

Disclosure to Public Health Under the HIPAA Privacy Rule

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The Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule governs the use and disclosure of protected health information. It applies to health plans, health care clearinghouses, and health care providers who transmit certain health claims information electronically. These entities are covered entities under the rule. Specific provisions in the rule also apply indirectly to business associates who perform certain functions or activities on behalf of the covered entity such as legal or accounting services. Business associates are bound through a written contract or memorandum of understanding.

A covered entity must obtain a written authorization from the individual for the use and disclosure of protected health information unless the disclosure is to the individual, for treatment, payment, or health care operations, or the disclosure falls under one of the specified exceptions.

Section 164.512 addresses the uses and disclosures for which an authorization or an opportunity to agree or object is not required. Section 164.512(a) permits disclosures that are required by law. Section 164.512(b) permits a covered entity to disclose protected health information for the public health activities and purposes described in the paragraph. The activities and purposes include:

“(i) A public health authority that is authorized by law to collect or receive such information for the purpose of preventing or controlling disease, injury, or disability, including but not limited to, the reporting of disease, injury, vital events such as birth or death, and the conduct of public health surveillance, public health investigations, and public health interventions; or ...”